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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 STEPHANIE TAYLOR, et al.,

11 Plaintiff,

12 v.

13 THE STATE OF WASHINGTON
14 DEPARTMENT OF JUVENILE YOUTH
AND FAMILY SERVICES, et al,

15 Defendant.

CASE NO. 2:19-cv-01869 RAJ-JRC

ORDER ON PLAINTIFF'S
MOTION TO APPOINT COUNSEL

16 This matter has been referred to United States Magistrate Judge J. Richard Creatura
17 pursuant to General Order 02-19. *See* Dkt. 24. Before the Court is *pro se* plaintiff Stephanie
18 Taylor's Motion to Appoint Counsel. Dkt. 2. Because the likelihood of plaintiff's success on the
19 merits cannot be determined at this early stage, plaintiff's motion is denied.

20 There is no constitutional right to appointed counsel in a civil action, and whether to
21 appoint counsel is within this Court's discretion. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th
22 Cir. 1981); *see United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995).
23 Appointment of counsel for indigent civil litigants under 28 U.S.C. § 1915(e)(1) requires
24 "exceptional circumstances." *See Rand v. Roland*, 113 F.3d 1520, 1525 (9th Cir. 1997) (citing

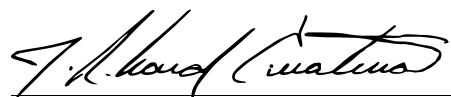
1 former 28 U.S.C. § 1915(d) (1996)), *overruled on other grounds*, 154 F.3d 952 (1998). To
2 decide whether exceptional circumstances exist, the Court must evaluate “both ‘the likelihood of
3 success on the merits [and] the ability of the [plaintiff] to articulate his claims *pro se* in light of
4 the complexity of the legal issues involved.’” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th
5 Cir. 1986) (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)). “Neither of these
6 factors is dispositive and both must be viewed together[.]” *Id.*

7 Plaintiff states that she has “called several different attorneys” since 2017. Dkt. 2, at 2.
8 Plaintiff also states that she contacted the Office for Civil Rights and was “[referred] to state
9 complaint/ombudsman . . . [and] I was told by the ombudsman that they don’t protect my civil
10 rights.” Dkt. 2, at 2. Plaintiff also states that she filed a complaint with “DCYF constituent
11 relations as well [and] they did nothing.” Dkt. 2, at 2.

12 Plaintiff has not demonstrated that exceptional circumstances are present in her case. She
13 has filed her claim without any initial filing deficiencies (*see* Dkt. 1), submitted a motion to
14 appoint counsel (*see* Dkt. 2.), and successfully served seventeen defendants (*see* Dkts 3-17).
15 While a *pro se* plaintiff’s pleadings should be liberally construed, it is incumbent on plaintiff to
16 demonstrate “exceptional circumstances” in order to obtain court-appointed counsel. Therefore,
17 she has demonstrated that, at this stage, she is able to articulate her claims. *Wilborn*, 789 F.2d at
18 1331. Moreover, defendants have not yet submitted an answer to the complaint, and it is too
19 early to determine whether plaintiff is likely to succeed on the merits of her claim. *Id.*

20 Accordingly, plaintiff’s Motion to Appoint Counsel (Dkt. 2) is DENIED.

21 Dated this 20th day of December, 2019.

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24 J. Richard Creatura
United States Magistrate Judge